

1  
2  
3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 ALEX MARQUEZ,

7 Petitioner,

8 v.

9 E.K. MCDANIEL, *et al.*,

10 Respondents.

Case No. 3:15-cv-00492-MMD-VPC

ORDER

11 The Court dismissed this action for untimeliness, but the Court did not address  
12 Respondents' other arguments. (ECF No. 50.) The court of appeals reversed, finding that  
13 the action is timely under *Smith v. Williams*, 871 F.3d 684 (9th Cir. 2017). Respondents  
14 will need to file a new answer or other response to the amended petition (ECF No. 14).

15 It is therefore ordered that Respondents will have forty-five (45) days from the date  
16 of entry of this order to answer or otherwise respond to the amended petition (ECF No.  
17 14).

18 It is further ordered that if Respondents file and serve an answer, they must comply  
19 with Rule 5 of the Rules Governing Section 2254 Cases in the United States District  
20 Courts. Petitioner will then have forty-five (45) days from the date on which the answer is  
21 served to file a reply.

22 It is further ordered that if Respondents file and serve a motion, Petitioner will have  
23 fourteen (14) days from the date of service of the motion to file a response to the motion.  
24 Respondents will then have seven (7) days from the date of service of the response to file  
25 a reply.

26 DATED THIS 10<sup>th</sup> day of August 2018.

27  
28 

MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE